

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	No. D-2822
Against:	)	L-25601
DAVID F. GOLDSTONE, M.D.	)	
Post Office Box 10	)	
Mt. Laguna, California 92048	)	
License No. C-35688	)	
Respondent.	)	

ORDER FOR NEW EFFECTIVE DATE OF DECISION

Respondent's certificate was ordered revoked by a decision dated April 2, 1982, and made effective May 3, 1982.

In behalf of respondent, attorney Michael S. Evans filed a petition for reconsideration along with a request for a stay.

A stay was granted up to June 2, 1982.

After reviewing the matter, the Division voted to deny the request for reconsideration, and the parties were so notified in writing.

To clarify the record and to avoid any uncertainty as to dates, IT IS HEREBY ORDERED that the new effective date of the revocation decision shall be June 2, 1982.

Dated May 21, 1982

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE

By   
ROBERT ROWLAND  
Executive Director

FL:jw



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DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	
	)	No. D-2822
	)	
DAVID F. GOLDSTONE, M.D.	)	L-25601
	)	
Physician's and Surgeon's	)	
Certificate No. C-35688	)	
	)	
	)	
Respondent.	)	
	)	

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PROPOSED DECISION

This matter came on regularly for hearing before W. F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, at San Diego, California, on February 24, 1982. Complainant was represented by Barry D. Ladendorf, Deputy Attorney General. Respondent appeared and represented himself at the hearing. Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds the following facts:

I

Robert Rowland made the Accusation in his official capacity as Executive Director of the Board of Medical Quality Assurance of the State of California.

II

On or about March 20, 1974, the Division of Licensing of the Board of Medical Quality Assurance issued Certificate No. C-35688 to David F. Goldstone, M.D., (hereinafter "respondent") authorizing him to practice medicine in the State of California.

### III

A. On March 20, 1981, Robert Rowland, complainant herein, filed with the Division of Medical Quality a petition to compel psychiatric examination of respondent.

B. On April 6, 1981, the Division of Medical Quality issued its order directing respondent be examined by a physician specializing in psychiatry, pursuant to section 2296 of the Business and Professions Code.

C. On August 3, 1981, pursuant to the said order of the Division of Medical Quality, respondent was examined by Sanford Shapiro, M.D., a physician specializing in psychiatry. On September 3 and 12, 1981, at the request of Dr. Shapiro, respondent was administered psychological testing by Sydney Smith, Ph.D., a clinical psychologist. On September 25, 1981, Dr. Shapiro prepared a written report of his examination of respondent, and forwarded his report to complainant, together with Dr. Smith's report.

D. The Accusation was filed on November 2, 1981, and these proceedings ensued. All pre-hearing jurisdictional requirements have been met.

### IV

It was established at the hearing that respondent is suffering from a schizophrenic disorder of a paranoid type manifested by incoherence, marked loosening of associations, markedly illogical thinking, and inappropriate affect. Respondent is mentally ill to such an extent as to affect his ability to practice medicine safely. It is possible that appropriate treatment, ideally including hospitalization, might benefit respondent; he does not recognize his condition, however, and expresses no intention to seek psychotherapy.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Cause exists for the revocation of respondent's license pursuant to section 2297 of the Business and Professions Code.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Physician's and Surgeon's Certificate No. C-35688,  
heretofore issued to respondent David F. Goldstone, M.D., is  
revoked.

I hereby submit the foregoing  
which constitutes my Proposed  
Decision in the above-entitled  
matter, as a result of the  
hearing had before me on  
February 24, 1982, at San Diego,  
California, and recommend its  
adoption as the decision of the  
Board of Medical Quality Assurance.

DATED: 3-5-82



W. F. BYRNES  
Administrative Law Judge  
Office of Administrative Hearings

WFB:bbt

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7  
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9 Board of Medical Quality Assurance  
10  
11

12 BEFORE THE DIVISION OF MEDICAL QUALITY

13 BOARD OF MEDICAL QUALITY ASSURANCE

14 DEPARTMENT OF CONSUMER AFFAIRS

15 STATE OF CALIFORNIA

16 In the Matter of the Accusation  
17 Against:

) No. D-2822  
)  
)

18 DAVID F. GOLDSTONE, M.D.

) ACCUSATION  
)  
)

19 Physician's and Surgeon's  
20 Certificate No. C-35688

21 Respondent.  
22  
23  
24  
25  
26  
27

Robert Rowland alleges:

1. He is the Executive Director of the Board of Medical Quality Assurance of the State of California and makes these charges and allegations in his official capacity.

2. On or about March 20, 1974, the Division of Licensing of the Board of Medical Quality Assurance issued Certificate No. C-35688 to David F. Godstone, M.D., (hereinafter "respondent") authorizing him to practice medicine in the State of California.

3. Section 2296 of the Business and Professions Code provides that:

1 "Whenever it appears to the Division of  
2 Medical Quality that a licensee is mentally ill  
3 to the extent the licensee's ability to practice  
4 medicine safely is impaired, the Division may  
5 order the licensee to be examined by one or  
6 more physicians and surgeons specializing in  
7 psychiatry designated by the Division. The  
8 report of such persons shall be made available  
9 to the licensee and may be received as direct  
10 evidence in a proceeding conducted pursuant to  
11 section 2297."

12 4. Section 2297 of the Business and Professions Code  
13 provides that:

14 "If a licensee becomes mentally ill to such  
15 an extent as to effect his or hers ability to  
16 practice medicine safely, the Division of Medical  
17 Quality may take action by any one of the following  
18 methods:

19 "(a) Suspending judgment.

20 "(b) Placing the licensee on probation.

21 "(c) Suspending the licensee's right  
22 to practice for a period not exceeding one  
23 year.

24 "(d) Revoking the licensee's  
25 certificate.

26 /

27 /

1                   "(e) Taking such other action in  
2                   relation to the licensee as the Division  
3                   in its discretion deems proper.

4                   "The Division shall not reinstate a suspended  
5                   or revoked certificate until it has received  
6                   confident evidence of the absence or control of  
7                   the conditions which caused its action and until  
8                   it is satisfied that with due regard to the public  
9                   health and safety the person's right to practice  
10                  may be safely reinstated."

11                  5. Section 2298 of the Business and Professions Code  
12                  provides that:

13                  "The Division of Medical Quality may proceed  
14                  against a licensee under either section 2296 or  
15                  2297, or both such sections."

16                  6. On or about March 20, 1981, Robert Rowland,  
17                  complainant herein, filed with the Division of Medical Quality  
18                  a petition to compel psychiatric examination of respondent. A  
19                  copy of said petition is attached hereto as Exhibit A and  
20                  incorporated herein by this reference.

21                  7. On April 6, 1981, the Division of Medical Quality  
22                  issued its order directing respondent be examined by a physician  
23                  specializing in psychiatry pursuant to Business and Professions  
24                  Code section 2296. A copy of said order is attached hereto as  
25                  Exhibit B.

26                  8. On or about August 3, 1981, respondent, pursuant to  
27                  the order of the Division set forth in paragraph 7 above, was



1 examined by Sanford Shapiro, M.D., a physician specializing in  
2 psychiatry. On or about September 25, 1981, Dr. Shapiro pre-  
3 pared a written report of his examination of respondent. Said  
4 written report of Dr. Shapiro is attached hereto as Exhibit C.  
5 Also attached as Exhibit D is the report of Sydney Smith Ph.d.  
6 psychologist.

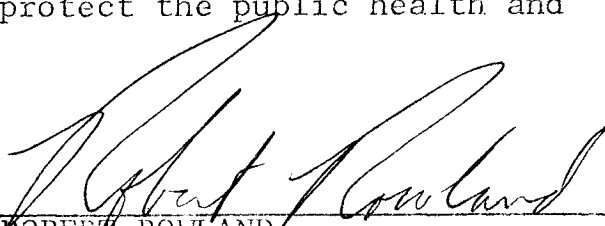
7 9. Respondent is suffering from a schizophrenic  
8 disorder of the paranoid type manifested by incoherence, marked  
9 by loose associations, illogical thinking and inappropriate  
10 affect. Respondent is mentally ill to the extent that he can  
11 not practice medicine safely.

12 WHEREFORE, the complainant prays that the Division hold  
13 a hearing pursuant to the requirements of section 2296 and 2297  
14 and following said hearing:

15 1. Suspend or revoke the certificate of respondent;  
16 and

17 2. Take such other and appropriate action as the  
18 Division deems appropriate to protect the public health and  
19 safety.

20 DATED: November 2, 1981

21   
22 ROBERT ROWLAND  
23 Executive Director  
24 Board of Medical Quality Assurance  
25  
26 Complainant  
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